

REMARKS

Claims 19 and 24-53 are pending. Applicant has amended claim 19 to incorporate the recitations of claims 26 and 27, which have been canceled. Applicants have further amended claim 19 as described below in Section I. Applicants have also added new claim 54, support for which can be found throughout the specification, for example in Figures 2a-2c and the accompanying description, particularly that found at paragraph [0050] of the US publication of the current application (Pub. No. US 2006/0082039). Note that all references to the current application hereinafter are to the paragraph number of the US publication of the current application.

Applicant responds to each of the Action's rejections in the order in which they are presented in the Action.

I. Section 103(a) Rejection Overcome

Claims 19 and 24-53 have been rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 01/28887 (Brand) and further in view of U.S. Patent No. 2,648,578 (Stearns). Applicant respectfully traverses these rejections.

As amended, claim 19 recites:

A method of fixing a first part of a multi-part assembly to a second part thereof which comprises providing a fixation device having a ring body which is manufactured with an endless angular extent and an integrally formed weakened zone therein, forming an axial split in the body at the weakened zone, and interposing the fixation device between the first and second parts such that the first and second parts are fixed together through the fixation device, in which the weakened zone is a structural discontinuity in the body, wherein the structural discontinuity is a notch, wherein the ring body has radially spaced-apart inner and outer circumferential surfaces, and wherein the notch extends from the inner circumferential surface to the outer circumferential surface.

Claim 19 has been amended to include the recitations of claims 26 and 27. Furthermore, claim 19 has been amended to recite "wherein the ring body has radially spaced-apart inner and outer circumferential surfaces, and wherein the notch extends from the inner circumferential surface to the outer circumferential surface." Support for this further amendment is found throughout the specification, for example in the figures of the

current application, in particular Fig. 2a – 2c, including the description thereof, in particular at paragraph [0050] of the present application.

The combination of Brand and Stearns neither discloses nor suggests the invention recited in claim 19. As admitted by the Office, Brand does not disclose or suggest “providing a fixation device having a ring body which is manufactured with an endless angular extent and an integrally formed weakened zone therein” and “forming an axial split in the body at the weakened zone” as recited in claim 19. Furthermore, Brand does not disclose or suggest a “weakened zone [that] is a structural discontinuity in the body, wherein the structural discontinuity is a notch, wherein the ring body has radially spaced-apart inner and outer circumferential surfaces, and wherein the notch extends from the inner circumferential surface to the outer circumferential surface” as recited in amended claim 19.

Applicants respectfully submit that Stearns does not disclose or suggest each and every one of the recitations not found in Brand. For example, Stearns does not disclose or suggest “wherein the notch extends from the inner circumferential surface to the outer circumferential surface” as recited in amended claim 19.

Instead, as illustrated in Figure 1, Stearns proposes an annular metallic ring having a narrow groove **22** formed longitudinally of the ring. It is clear from Figure 1 of Stearns that the narrow groove **22** does not extend from the inner circumferential surface to the outer circumferential surface of the ring, but instead is formed only on the outer circumferential surface. Moreover, Stearns explicitly teaches that modification of the ring to include a groove that extends from the inner circumferential surface to the outer circumferential surface of the ring would render the ring unsatisfactory for its intended purpose. Specifically, Stearns teaches the bearing structure, “in its normal condition, forms a full perfect circle” (Stearns, col. 1, l. 52-53). Stearns is explicit on this point, especially at column 3, lines 24-28 where it is stated that “Care must be taken so as not to injure the broken surfaces for it is absolutely necessary for the two broken surfaces to mate together exactly, so as to form a perfect cylinder which will present a smooth path for the bearing balls or rollers.”

For at least the foregoing reasons, Applicant respectfully submits that amended claim 19 is patentable over Brand in view of Stearns.

Claims 24, 25, and 28-53, as well as new claim 54, each depend from patentable independent claim 19. For at least this reason and without acquiescing in the Action's rejections of these claims, Applicant respectfully submits that these dependent claims are also patentable and requests that these rejections be withdrawn. Applicant expressly reserves the right to argue the separate patentability of one or more of these dependent claims at a future date.

II. Conclusion

For at least the foregoing reasons, Applicant respectfully requests entry of this Amendment After Final and the issuance of a Notice of Allowance forthwith. Alternatively, Applicant respectfully requests entry of this Amendment After Final as narrowing the issues on appeal. Should the Examiner have any concerns regarding the foregoing, Applicant encourages the Examiner to contact the undersigned, who may be reached at (919) 483-9024.

Respectfully submitted,

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